

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, ex rel.) Case No. 4-12-cv-02676-KMH
PETER BELLI,)
)

Plaintiff,)
)

v.)
)

ALLIED HOME MORTGAGE)
CAPITAL CORPORATION,)
)

Defendant)
)

UNITED STATES OF AMERICA,)
)

Plaintiff-Intervenor)
)

v.)
)

ALLIED HOME MORTGAGE)
CORPORATION, et al.,)
)

Defendants)
)

W.D. S. C. C.
SOUTHERN DISTRICT OF TEXAS
FILED

DEC 10 2012

David J. Bradley, Clerk of Court

**LBM FINANCIAL, LLC'S MOTION
FOR LEAVE TO INTERVENE AND
TO FILE THE ANNEXED
CREDITOR'S COMPLAINT TO
REACH AND APPLY**

Pursuant to F.R.C.P. No. 24(b) LBM Financial, LLC, a Massachusetts limited company with offices at 141 Locke Drive, Marlborough, Middlesex County, Massachusetts, herewith moves for leave for permissive intervention in this civil action and alleges as follows:

1. The movant party has filed this motion without delay.
2. The movant party is seeking permissive intervention which will not unduly delay or prejudice the adjudication of the parties' rights as there is no requirement to take action or discovery until after this case has been resolved and movant party's claims are solely against the estate of Peter Belli, as relator, and any funds that may at a future date be owed to said estate.

3. The movant party is owed approximately \$8,323,866.60 million dollars under two (2) guaranty agreements that the underlying debts are wholly unpaid and it is seeking to reach and apply any funds that the relator's estate may be entitled to.

4. Intervention will foster judicial economy and will avoid the necessity of filing additional causes of actions.

5. An estate has been taken out for Peter Belli in Worcester Probate Court in Massachusetts, being Docket No. WO12P2902EA and a notice of the movant's claims has been timely filed and all probate requirements have been met.

6. It is believed and therefore alleged that the estate of Peter Belli has no assets except for the potential relator's compensation so movant will not be able to collect any of its debts and, therefore, will be at substantial risk and its ability to protect its interest will be impaired unless intervention is permitted.

7. The movant's complaint in intervention is annexed hereto.

Respectfully submitted,

LBM FINANCIAL, LLC, Intervener
By its Attorney



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(Motion for Admission Pro Hac Vice pending)

Dated: December 7, 2012

CERTIFICATE OF SERVICE

I, Evans J. Carter, hereby certify that the foregoing Motion for Leave to Intervene and Filed Creditor's Complaint to Reach and Apply was served on the parties herein by mailing a true copy of same by first class mail and by e-mail to the following attorneys of record:

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Evans J. Carter

Dated: December 7, 2012